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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/080,144	02/21/2002	David Weldum	702_083	9288	
20874 7:	590 02/12/2003				
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202		EXAMINER			
			NGUYEN, LUONG TRUNG		
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			2612		
			DATE MAILED: 02/12/2003	DATE MAILED: 02/12/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Liona T NGUVEN	•	Application No.	Applicant(s)			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM  THE MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  1 Bridge period for only specified shores a feet them intry (SI) days, a reply within the advance of them may be already the provisions of 3°C IR1 134(s), in no event, however, may a may be already to the content of them and the state 3°C IR1 134(s), in no event, however, may a may be already to the content of them them and the state 3°C IR1 134(s), in no event, however, may a may be already to the content of the communication.  If the period for only specified shores a feet them intry (SI) days, a reply within the advanced period for may with the state of extended period for may with 3 states. Cancer the application to be contented from the major and the state of the communication, even if the produce any search period in advanced the soft of the communication, even if the major introduced in a coordance with the practice under £x parts Quayle, 1935 C.D. 11, 453 O.G. 213.  Status  1		10/080,144	WELDUM ET AL.			
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Application/Control Number: 10/080,144

Art Unit: 2612

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1, 6, 12, 15, 20, 26, drawn to a method for storing calibration data, classified in class 348, subclass 180.
  - II. Claims 2, 7, 13, 16, 21, 27, drawn to a method for storing overlay replacement data, classified in class 348, subclass 231.3.
  - III. Claims 3, 8, 14, 17, 22, 28, drawn to a method for storing audio data, classified in class 348, subclass 231.4.

Claims 4, 5, 9-11, 18, 19, 23-25, link(s) inventions I, II and III. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 4-5, 9-11, 18-19, 23-25. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

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Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention as claimed in group I has separate utility such as in a method for storing calibration data within image transfer media, which does not includes a method for storing overlay replacement data as claimed in group II or a method for storing audio data as claimed in group III. The reasoning is the same for the other two groups. See MPEP § 806.05(d).
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LUONG T NGUYEN** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber** can be reached on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to**: (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

LN LN February 5, 2003

WENDY R. GARBER

UPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600